

FILED

FEB 24 2009

**Board of Vocational Nursing
and Psychiatric Technicians**

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8
9 **BEFORE THE**
BOARD OF VOCATIONAL NURSING
10 **AND PSYCHIATRIC TECHNICIANS**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

12 In the Matter of the Accusation Against:

Case No. PT-2008-417

13 LEROY ARNOLD DURAN, JR.,
a.k.a. ROY DURAN
14 246 North H. Street, #3
Porterville, California 93257

A C C U S A T I O N

15 Psychiatric Technician License No. PT 33904

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

20 1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this
21 Accusation solely in her official capacity as the Executive Officer of the Board of Vocational
22 Nursing and Psychiatric Technicians ("Board"), Department of Consumer Affairs.

23 2. On or about September 25, 2007, the Board issued Psychiatric Technician
24 License Number PT 33904 (hereinafter "license") to Leroy Arnold Duran, Jr., also known as Roy
25 Duran ("Respondent"). On January 6, 2009, Respondent was issued a temporary license, valid
26 for 150 days, pursuant to Family Code section 17520. Respondent's license is active and
27 renewed through June 5, 2009.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 4520 provides, in pertinent part, that the Board may discipline any licensed psychiatric technician for any reason provided in Article 3 (commencing with section 4520) of the Psychiatric Technicians Law (Code § 4500, et. seq.)

4. Code section 118, subdivision (b), provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period within which the license may be renewed, restored, reissued or reinstated. Under Code section 4545, the Board may renew an expired license at any time within four years after the expiration.

5. Code section 4521 states, in pertinent part:

The board may suspend or revoke a license issued under this chapter [the Psychiatric Technicians Law (Code section 4500, et seq.)] for any of the following reasons:

(a) Unprofessional conduct . . .

....

(i) The use of excessive force upon or the mistreatment or abuse of any patient . . .

Cost Recovery

6. Code section 125.3 provides, in pertinent part, that a Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Excessive Force Upon or Mistreatment or Abuse of a Patient)

7. Respondent is subject to disciplinary action pursuant to Code section 4521, subdivision (i), in that while employed as a psychiatric technician at the California Department of Developmental Services, Porterville Developmental Center, a residential facility for developmentally disabled individuals, Respondent used excessive force upon or mistreated or

1 abused patient/client Salvador F. (hereinafter "patient"), as follows: On or about March 7, 2008,
2 between approximately 7:20 a.m. and 8:20 a.m., the patient attempted to get up from the couch
3 where he was sitting in the West living area (Group area). Respondent grabbed the patient by the
4 left shoulder and threw him to the ground. The patient curled up into a fetal position at which
5 time, Respondent kicked him twice in the chest area.

6 **SECOND CAUSE FOR DISCIPLINE**

7 **(Unprofessional Conduct)**

8 8. Respondent is subject to disciplinary action pursuant to Code section
9 4521, subdivision (a), in that on or about March 7, 2008, while employed as a psychiatric
10 technician at the California Department of Developmental Services, Porterville Developmental
11 Center, a residential facility for developmentally disabled individuals, Respondent committed
12 acts constituting unprofessional conduct, as set forth in paragraph 7 above.

13 **PRAYER**

14 WHEREFORE, Complainant requests that a hearing be held on the matters herein
15 alleged, and that following the hearing, the Board of Vocational Nursing and Psychiatric
16 Technicians issue a decision:

- 17 1. Revoking or suspending Psychiatric Technician License Number
18 PT 33904, issued to Leroy Arnold Duran, Jr., also known as Roy Duran;
19 2. Ordering Leroy Arnold Duran, Jr., also known as Roy Duran, to pay the
20 Board of Vocational Nursing and Psychiatric Technicians the reasonable costs of the
21 investigation and enforcement of this case, pursuant to Business and Professions Code section
22 125.3;

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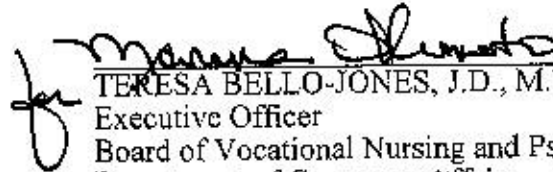
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3. Taking such other and further action as deemed necessary and proper.

DATED: February 24, 2009


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California

Complainant